

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	0

### MR. SPEAKER:

*Your Committee on Technology, Research and Development, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 4, delete lines 9 through 13, begin a new paragraph and insert:
- 2       **"Sec. 10. (a) The following have a right of action against a**
- 3       **person who initiates or assists the transmission of a commercial**
- 4       **electronic mail message that violates this chapter:**
- 5               **(1) A person who receives the commercial electronic mail**
- 6               **message.**
- 7               **(2) An interactive computer service that handles or**
- 8               **retransmits the commercial electronic mail message.**
- 9       **(b) This chapter does not provide a right of action against an**
- 10       **interactive computer service that handles or retransmits a**
- 11       **commercial electronic mail message that violates this chapter.**
- 12       **(c) If the plaintiff prevails in an action filed under this section,**
- 13       **the plaintiff is entitled to the following:**
- 14               **(1) An injunction to enjoin future violations of this chapter.**

- 1           **(2) Compensatory damages equal to any actual damage**  
2           **proven by the plaintiff to have resulted from the initiation of**  
3           **the commercial electronic mail message. If the plaintiff does**  
4           **not prove actual damage, the plaintiff is entitled to**  
5           **presumptive damages of five hundred dollars (\$500) for each**  
6           **commercial electronic mail message that violates this chapter**  
7           **and that is sent by the defendant:**  
8               **(A) to the plaintiff; or**  
9               **(B) through the plaintiff's interactive computer service.**  
10          **(3) The plaintiff's reasonable attorney's fees and other**  
11          **litigation costs reasonably incurred in connection with the**  
12          **action."**

(Reference is to HB 1083 as introduced.)

**and when so amended that said bill do pass.**

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Representative Hasler